

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Thomas Gladney,)	C/A No.: 3:07-1260-JFA-JRM
)	
Plaintiff,)	
v.)	ORDER
)	
State Farm, Inc.,)	
)	
Defendant.)	
_____)	

The *pro se* plaintiff, Thomas Gladney, brings this action contending that the defendant “refused coverage on his van” and “broke the law.” He seeks damages of \$30,000.

The Magistrate Judge assigned to this action¹ has prepared a comprehensive Report and Recommendation wherein he opines that plaintiff’s claims do not fall within the scope of federal question or diversity jurisdiction. Thus, the court is precluded from hearing this case and it should be summarily dismissed without prejudice. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

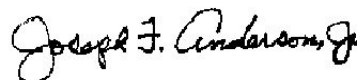
The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on May 10, 2007. On the same date this

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

order was to be filed on the docket (June 11, 2007), the court received a note from the plaintiff requesting additional time to object to the Report and to “get a lawyer.” The deadline to file objections was May 29, 2007. Therefore, any objection to the Report or request for an extension with no good cause shown for delay is untimely and will not be considered by the court.²

After carefully reviewing the applicable law, the record in this case, and the Report and Recommendation, the court finds the Magistrate Judge’s recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The court, therefore, adopts the recommendation of the Magistrate Judge in full and incorporates this Report by specific reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process.



IT IS SO ORDERED.

June 12, 2007
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge

² Under 28 U.S.C. § 636(b)(1), the district court is obligated to conduct a *de novo* review of every portion of the Magistrate Judge’s Report to which objections have been filed. The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to timely file specific written objections to the Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).